

New Legislation

County Auditors'
Spring Conference
May 2010

SEA 401-PL 41

- Amends IC 6-1.1-20-1.9 – Effective July 1, 2010
- Owner of Property means a person that owns
 - Real Property;
 - A mobile home assessed as personal property, used as a principal place of residence, and receiving the standard property tax deduction under IC 6-1.1-12-37; or
 - A manufactured home assessed as personal property, used as a principal place of residence, and receiving the standard property tax deduction under IC 6-1.1-12-37

HEA 1061 – PL 45

- Affects the Recorder's Records Perpetuation Fund and Identification Security protection Fund
- Amends IC 36-2-7-10 (d) and IC 36-2-7.5-6
- Currently the \$2 identification security protection fee for recording or filing a document is deposited in the county identification security protection fund

HEA 1061– PL 45(Continued)

- After June 30, 2011 the \$2 county identification security protection fee for recording or filing a document is deposited as follows:
 - \$1 is deposited into the county recorder’s records perpetuation fund
 - 50 cents is deposited into the county identification security protection fund
 - 50 cents is deposited into the county elected officials training fund

HEA 1061– PL 45(Continued)

- IC 36-2-7-19 added
- Each county legislative body is to establish a county elected officials training fund before July 1, 2011.
- The fiscal body will appropriate money from the fund
- The money does not revert to the general fund
- It is to be used to provide the training of county elected officials required under IC 36-2-11-2.5 (county recorders), IC 36-2-12-2.5 (county surveyors), and other similar laws
- The sources for the fund are:
 - The 50 cents from the county identification security protection fee
 - Any other sources required or permitted by law

HEA 1183-PL 73

- Amends IC 6-1.1-24-1: Effective on passage
- Lists of real property eligible to be sold at tax sale must be certified to the county auditor on or after January 1 and not later than 51 days after the first tax payment due date in that calendar year.
- Add IC 6-1.1-24-7.5: Effective on passage
- Valid finders agreement must:
 - Not be for compensation for more than 10% of the amount collected from tax sale surplus fund unless amount collected is \$50 or less
 - In writing and signed by divested property owner
 - Clearly set forth the amount deposited in fund and value of owner’s share after the compensation deducted

HEA 1183-PL 73 (Continued)

- Amends IC 6-1.1-24-7: Effective July 1, 2010
- Before tax sale surplus may be paid to:
 - Owner of record at time a tax deed issued but who acquired property from delinquent taxpayer after it was sold at tax sale; or
 - A person who is not the owner of record on the date tax deed is issued
- Direction of court having jurisdiction over the tax sale of the parcel required for which claim is made and may direct issuance of warrant only
 - On petition by claimant; and
 - Within 3 years after the date of sale of parcel in tax sale

HEA 1183-PL 73 (Continued)

- Amends IC 6-1.1-24-6.1: Effective July 1, 2010
- Addition to the published notice of sales of tax sale certificates
- The statement of what a person redeeming each tract or item of real property after the sale of the certificate must pay must now include
 - all cost of sale, advertising costs and other expenses of the county directly attributable to the sale of the certificates of sale
- Amends IC 6-1.1-24-9: Effective July 1, 2010 to allow county executive to assign a certificate of sale held in the executives name to assign to any political subdivision. Period for redemption is 120 days after assignment.

HEA 1183-PL 73 (Continued)

- Adds IC 32-29-7-8.5: Effective July 1, 2010
- Foreclosure (Sheriff's) Sales – Effective July 1, 2010 - Requires the party that filed the praecipe for the sheriff's sale to pay the following prior to the date of the sheriff's sale:
- (1) If a certificate of sale from a tax sale is outstanding, the amount necessary for redemption of the property and all delinquent property taxes, special assessments, penalties, and interest that are not covered by the redemption and are due and owing on the property on the date of the sheriff's sale;

HEA 1183-PL 73 (Continued)

- (2) If number (1) does not apply, all delinquent property taxes, special assessments, penalties, and interest that are due and owing on the property on the date of the sheriff's sale.
- If payments are not made in full by the date of the sale, the sheriff shall cancel the sheriff's sale and may conduct the sheriff sale only upon evidence that the payments required have been made in full and subsequent praecipe is filed, costs are paid, and the sheriff's sale is advertised.

HEA 1059-PL 89

- Amends IC 5-13-6-3 and IC 6-1.1-27-1: Effective July 1, 2010
- Property Tax Advances
- If any county treasurer or auditor refuses, neglects, or fails to distribute within 30 days a properly requested property tax advance, the political subdivision that was to receive the advance may recover interest. The amount of interest to be paid equals the taxing units proportionate share of the actual amount of interest that is received from investments of the undistributed tax money from the date the county treasurer receives the taxing unit's request for funds to the date the tax money is distributed

HEA 1324-PL 98

- Adds IC 6-1.1-24-6.8: Effective July 1, 2010
- Tax Sale of Vacant Property
- Allows a county legislative body to establish by ordinance criteria for identification of vacant parcels to be offered for sale.
- Vacant parcels eligible for sale must:
 - have a county lien from a prior tax sale;
 - be unimproved on the date the parcel is offered for sale;
 - be eligible for construction of a residence under the law;
 - be contiguous to at least one parcel that
 - has an occupied residential structure or
 - a structure used in conjunction with an occupied residential structure
 - be eligible for a homestead standard deduction.

HEA 1324-PL 98 (Continued)

- County executive, by resolution, identifies each parcel to sale and provides notice to the owners of the aforementioned contiguous parcel or parcels
- The notice must contain at least the following:
 - (1) the legal description of the vacant parcel and the parcel number or the street address or both;
 - (2) notice that the county executive will accept applications for purchase of the vacant parcel from contiguous parcel owners;
 - (3) notice of the deadline for filing the application and the information that must be included in the application;
 - (4) notice that the vacant parcel will be sold to the successful applicant for \$1; and
 - (5) notice of the property tax exemption provided to the successful applicant.

HEA 1324-PL 98 (Continued)

- To be eligible, contiguous parcel owners file a written application with the county executive
- The application must identify the vacant parcel the applicant wants to purchase and include any other information required by the county executive.
- If there are multiple eligible applicants for the same parcel, the county executive must conduct a drawing in which each applicant has an equal chance to be selected.
- The county executive must make a final determination concerning the vacant parcels to be sold by resolution.
- After the final determination, the county executive shall cause all delinquent taxes, special assessments, penalties, interest and costs of sale to be removed from the vacant parcel and give notice to the successful applicant; the county auditor; and the township assessor (county assessor if there is no township assessor).

HEA 1324-PL 98 (Continued)

- County auditor collects purchase price from successful applicant
- Prepares a deed transferring the vacant parcel to the purchaser. The deed must reference the tax exemption for the vacant parcel.
- The township assessor or county assessor must consolidate each vacant parcel sold with the contiguous parcel owned by the successful applicant into a single parcel.
- Each consolidated parcel is entitled to a time-limited exemption from property taxation beginning on the assessment date that next succeeds the consolidation in the amount of the assessed value of the vacant parcel at the time of consolidation.
- The tax exemption terminates as of the assessment date that next succeeds the earlier of 5 years after transfer of title or the first transfer of title to the consolidated parcel that occurs after consolidation.

HEA 1271-PL 108

- Adds IC 33-23-16: EFFECTIVE JULY 1, 2010
- Creation of Problem Solving Courts –which include community courts, domestic violence courts, drug courts, family dependency courts, mental health courts, reentry courts, and veterans’ courts.
- The costs of a problem solving court may be supplemented at the discretion of the fiscal body by the county general fund and may be supplemented by payments from the county user fee fund.
- These courts may accept gifts and donations, grants and payments for services

HEA 1271-PL 108 (Continued)

- If a fee is required the court shall adopt by local court rule a schedule of fees consistent with the rules established by the board of directors of the judicial conference of Indiana.
- The clerk of the court shall collect fees as ordered by the problem solving courts and deposit them with the county auditor into the county user fee fund for the applicable problem solving court program. Fees must be used only to fund problem solving court services.
- All drug courts and reentry courts previously established shall be certified by the Indiana Judicial Center as problem solving courts. Existing funds for drug courts and reentry courts will remain funds for use by those problem solving courts on and after July 1, 2010.
-

HEA 1086-PL 113

- Amends IC 6-1.1-5-5.5: Effective July 1, 2011
- Property Taxes
- States before the county auditor may enter or transfer real property that is partitioned or combined on the last assessment list, enter lots or parcels described in a plat, consolidate contiguous parcels or apportion assessed value of the real property among the owners, the owner must pay or otherwise satisfy all property taxes for which the due date has passed as of the date of transfer on each of the parcels or real property from which the platted, consolidated, or transferred property is derived.

HEA 1086-PL 113(Continued)

- Amends IC 6-1.1-20-3.6
- Public Questions on Controlled Projects approved by county election board after June 30, 2010
- requires the board to submit the controlled project public question language to the Department of Local Government Finance (DLGF) to evaluate the description of the controlled project for bias. The DLGF may recommend the ballot language be used as submitted or recommend modifications to the county election board not more than 10 days after submission. The county election board shall take final action to approve the ballot language. The finally adopted ballot language may differ from the recommendations made by the DLGF. The county auditor shall certify the finally approved public question to the county election board of each county in which the political subdivision is located.

HEA 1086-PL 113(Continued)

- Amends IC 6-1.1-24-1 and IC 6-1.1-24-1.2
- Effective July 1, 2011
- To clarify that an item of real property may not be removed from the list certified for tax sale unless all: delinquent taxes and special assessments, due before the date the list was certified; and penalties, interest, and costs directly attributable to the tax sale are paid in full. A county treasurer may accept partial payments. However, a partial payment does not remove a tract from the list certified for tax sale.

HEA 1086-PL 113(Continued)

- Adds IC 6-3.5-1.1-1.5, IC 6-3.5-6-1.5, and IC 6-3.5-7-4.9
- Effective Upon Passage
- CAGIT, COIT, AND CEDIT
- allows the adoption of an ordinance to: (1) impose, increase, decrease, or rescind a tax or tax rate; or (2) grant, increase, decrease, rescind or change a homestead credit or property tax replacement credit; to take place any time in a year prior to November 1 of that year. An ordinance that imposes or increases a tax rate takes effect as follows:
 - (1) If adopted January 1 through September 30, the ordinance takes effect October 1 of the current year;
 - (2) If adopted October 1 through October 15, the ordinance takes effect November 1 of the current year;
 - (3) If adopted October 16 through October 31, the ordinance takes effect December 1 of the current year.

HEA 1086-PL 113(Continued)

- An ordinance that decreases or rescinds a tax or tax rate takes effect as follows:
- (1) If adopted January 1 through September 30, the ordinance takes effect the later of October 1 or the first day of the month in the current year as the month in which the last increase in the tax occurred;
- (2) If adopted October 1 through October 15, the ordinance takes effect the later of November 1 or the first day of the month in the current year as the month in which the last increase in the tax occurred;
- (3) If adopted October 16 through October 31, the ordinance takes effect the later of December 1 or the first day of the month in the current year as the month in which the last increase in the tax occurred.

HEA 1086-PL 113(Continued)

- An ordinance that grants, increases, decreases, rescinds, or changes a homestead credit or property tax replacement credit from CAGIT, COIT or CEDIT takes effect and applies to property taxes first due and payable in the year immediately following the year in which the ordinance is adopted.

HEA 1086-PL 113(Continued)

- **Public Works – Effective July 1, 2010** – Amends IC 36-1-12-4 on publication of notice for public works projects. Upon filing of plans and specifications, the governing board shall publish notice in accordance with IC 5-3-1 as is currently required. However, the period of time between the date of the first publication and receiving bids may not be more than: 6 weeks if the estimated cost of the public work is less than \$25,000,000; and 10 weeks if the estimated cost of the public works project is at least \$25,000,000.
- E-911 – Effective July 1, 2010-Adds IC 36-8-16.6 which allows the State Enhanced 911 Wireless Board to establish charges for prepaid wireless phones. These fees that comes into the county from the Board will be put into the same fund as the other wireless
